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TROUTMAN SANDERS LLP BANK OF AMERICA PLAZA, SUITE 5200 600 PEACHTREE STREET, NE ATLANTA, GA 30308-2216			FOX, BRYAN J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/000,477	Applicant(s) PETITE, THOMAS D.	
	Examiner Bryan J Fox	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 3, 4, 8, 13-18, 20, 22, 23, 27-30, 32-35, 37, 41, 42, 44, 45, 49, 57-60, 63-68, 70, 71, 73, 74, 81-84 and 87-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Rieser et al (US 20010034223A1).

Regarding claim 1, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed “system which communicates emergency messages, comprising: at least one emergency message transceiver having a first identification code and configured to generate an emergency message”. The

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system includes personal security transmitters, each having a unique number that can be used to identify the transmitter sending the transmission packet signal (see paragraph 32), which reads on the claimed "plurality of network transceivers, each network transceiver having a unique identification code". The personal security transmitter sends a message to a base station (see paragraphs 32-33), and each base station also has an identification number (see paragraph 43) and therefore also reads on the claimed network transceiver. The personal security transmitter sending the message to the base station (see paragraphs 32-33) reads on the claimed system "configured to communicate the emergency message with other network transceivers". The base station receiving the message also reads on the claimed "at least one transceiver unit configured to communicate the emergency message with at least one of the network transceivers". The base station creates a packet with the information including the information from the original message and sends it to a command center (see paragraph 43), which reads on the claimed "at least one site controller coupled to the transceiver unit, the site controller configured to communicate the emergency message between the transceiver unit and an intermediary communication system such that the emergency message is communicated with an emergency message management controller coupled to the intermediary communication system", where the base station includes the claimed "site controller" and the command center reads on the claimed "emergency message management controller". The medium over which this message must be sent reads on the claimed "intermediary communication system".

Regarding claim 13, Rieser et al discloses that a base station packet is created that includes the transmitter identification number as well as a base station identification number (see paragraph 43) and that the base station identification number may give location through database lookup (see paragraph 267). The base station identification number reads on the claimed "communication transmission path is defined by at least one of the unique identification codes of the network transceivers and the first identification code of the emergency message transceiver", and the location through database lookup reads on the claimed "the communication transmission path being used to identify the location of the emergency message transceiver".

Regarding claim 14, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed "system which communicates an emergency message generated by an emergency message transceiver having a unique identification code". A base station packet is sent to a command center containing a base station identification number, a transmitter identification number and other information (see paragraph 43), which reads on the claimed "interface configured to receive the emergency message communicated through an intermediary communication system coupled to the interface, and the emergency message having at least the unique identification code of the emergency message transceiver". The transmitter identification number is used to retrieve personal identification information from a data base (see paragraphs 48-50), which reads on the claimed "memory having

data, the data including at least an identification code corresponding to the emergency message transceiver's unique identification code" and "a processor coupled to the interface and the memory, and configured to associate the received emergency message and the data by associating the identification code of the emergency message with the identification code of the data".

Regarding claim 15, Rieser et al discloses that when a base station packet is received at command center 150, it is processed and used among other things to alert personnel at the command center or in the field that a call for assistance has been received (see paragraph 29) which reads on the claimed "connection coupled to the processor and configured to communicate information corresponding to the emergency message and the associated data such that emergency assistance is summoned based upon the received emergency message and the data corresponding to the emergency message transceiver", where the claimed data corresponding to the emergency message transceiver may be location information (see paragraph 34).

Regarding claim 16, Rieser et al discloses that in one example, the beacon locator system has the feature of alerting campus police that there is a problem on campus in a particular location (see paragraphs 104-109), which reads on the claimed "the associated data further includes information of interest so that the emergency assistance is informed of the information of interest corresponding to the emergency message transceiver generating the emergency message".

Regarding claim 17, Rieser et al discloses that in one example, the beacon locator system has the feature of alerting campus police that there is a problem on

campus in a particular location (see paragraphs 104-109), which reads on the claimed "the information of interest further includes location information so that the emergency assistance is directed to the location information corresponding to the emergency message transceiver generating the emergency message".

Regarding claim 28, Rieser et al discloses a system where a personal security transmitter, which reads on the claimed "second transceiver", sends a transmission packet signal to a base station (see paragraph 29), which reads on the claimed "first transceiver configured to detect a first emergency message from a second transceiver". The base station then sends a base station packet (see paragraph 34), which reads on the claimed "configured to transmit a second emergency message". The base station packet includes a base station identification number (see paragraph 43) which may give location through database lookup (see paragraph 267), which reads on the claimed "identification code uniquely associated with the first transceiver such that a location of the second transceiver is approximated by determining the location of the first transceiver, the location of the first transceiver determined by associating the identification code with information residing in a database that includes at least the location of the first transceiver".

Regarding claim 29, Rieser et al discloses that the personal security transmitter sends a transmission packet signal having a transmitter identification number to a base station (see paragraphs 32 and 33), and the base station creates a packet containing all the information contained in a transmission packet signal plus additional information (see paragraph 34), which reads on the claimed "the second emergency message

transmitted by the first transceiver includes at least the identification code of the first transceiver”.

Regarding claim 30, Rieser discloses that a personal security transmitter sends the first signal (see paragraph 32), which reads on the claimed “the second transceiver is a personal emergency message transceiver configured to generate the first emergency message”.

Regarding claim 32, Rieser et al discloses that more than one base station typically receives the signal from the personal security transmitter and both generate messages and send them to the command center (see paragraph 29). Also the messages may each include base station identification numbers (see paragraph 43) and that all the base station packets received at the command center may be used to determine location information (see paragraphs 192 and 193).

Regarding claim 33, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed “system which communicates emergency messages”. A personal security transmitter sends a transmission signal packet to a base station (see paragraph 29), which reads on the claimed “transceiver configured to receive an emergency message broadcasted through an emergency message transceiver network”. The base station sends a message to a control center (see paragraph 44), which reads on the claimed “connection configured to couple the transceiver to an information communication device that is on”. Information related to

the message is displayed on a computer display at a command center (see paragraph 60), which reads on the claimed "signal processing unit configured to generate a signal corresponding to the emergency message such that a person viewing the information communication device is informed of the emergency message".

Regarding claim 35, Rieser et al discloses that the command center includes a display and may be implemented on a single personal computer (see paragraph 77).

Regarding claim 37, Rieser et al discloses the use of a command center (see paragraph 29), which reads on the claimed "security system control panel".

Regarding claims 41 and 70, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed "method for communicating emergency messages". A personal security transmitter having a transmitter identification number that is a unique number that can be used to identify the transmitter sends a transmission packet signal to a base station (see paragraphs 32 and 33), which reads on the claimed "generating an emergency message with an emergency message transceiver, the emergency message having at least an identification code uniquely assigned to the emergency message transceiver" and "communicating the emergency message from the emergency message transceiver to a network transceiver". The base station sends a message to a control center (see paragraph 44), which reads on the claimed "the emergency message is communicated

over an intermediary communication system to an emergency message management controller”.

Regarding claim 42, Rieser et al discloses that the base station sends a message to a control center (see paragraph 44) and the medium over which the message is sent reads on the claimed intermediary communication system. The method must include the step of communicating the emergency message onto the intermediary communication system before it is sent over that medium.

Regarding claim 71, Rieser et al discloses that the base station sends a message to a control center (see paragraph 44) and the medium over which the message is sent reads on the claimed intermediary communication system. The method must include the step of communicating the emergency message onto the intermediary communication system before it is sent over that medium.

Regarding claims 57 and 81, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed “method for communicating emergency messages”. A personal security transmitter having a transmitter identification number that is a unique number that can by used to identify the transmitter sends a transmission packet signal to a base station (see paragraphs 32 and 33), which reads on the claimed “receiving an emergency message broadcast from an emergency message transceiver, the emergency message having at least an identification code uniquely assigned to the emergency message transceiver”. The

transmitter identification number is used as an index to a record in a database that contains personal identification information about the person to whom the transmitter was issued (see paragraph 50), which reads on the claimed “determining information relevant to the received emergency message by associating the information with the identification code of the emergency message transceiver”. When a base station packet is received at command center 150, it is processed and used to alert personnel at the command center or in the field that a call for assistance has been received (see paragraph 29), which reads on the claimed “communicating the emergency message and the relevant information such that assistance is summoned in response to the received emergency message”.

Regarding claims 64 and 88, Rieser et al discloses that optional steps 270-280 include sending a packet back to one or more base stations to initiate some sort of local action at one or more base stations, such as emergency lights to flash (see paragraph 61 and figure 2B), which reads on the claimed “generating a second emergency message that is communicated to the emergency message transceiver”.

Regarding claims 65 and 89, Rieser et al discloses that optional steps 270-280 include sending a packet back to one or more base stations to initiate some sort of local action at one or more base stations, such as emergency lights to flash (see paragraph 61 and figure 2B), and emergency lights flashing reads on the claimed “acknowledging receipt of the emergency message”.

Regarding claim 66, Rieser et al discloses that a base station generates a base station packet and sends it to a command center (see paragraph 29) and the base

station packet includes the base station packet contains the transmitter identification number (see paragraph 43), which reads on the claimed "generating a second emergency message that is communicated to at least one second emergency message transceiver; and including within the generated second emergency message information describing of the emergency message".

Regarding claims 67 and 91, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed "method for communicating emergency messages". A personal security transmitter having a transmitter identification number that is a unique number that can by used to identify the transmitter sends a transmission packet signal to a base station (see paragraphs 32 and 33), which reads on the claimed "receiving an emergency message broadcast from an emergency message transceiver, the emergency message having information of interest associated with an emergency message transceiver". Information is displayed on a computer display at a command center (see paragraph 60), which reads on the claimed "communicating the emergency message and the information of interest to a display device".

Regarding claim 93, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see paragraph 22) that uses a personal security transmitter with a identification number (see paragraph 32), which reads on the claimed "computer readable medium

having a program for communicating emergency messages". A personal security transmitter 105 sends a transmission signal packet upon activation, which is received and processed by base stations (see paragraph 29) and the packet includes a transmitter identification number (see paragraph 32), which reads on the claimed "analyzing an emergency message broadcasted from an emergency message transceiver, the emergency message having at least an identification code uniquely assigned to the emergency message transceiver". The transmitter identification number is used as an index to a record in a database containing personal identification information about the person to whom the transmitter was issued (see paragraph 50), which reads on the claimed "determining information relevant to the received emergency message by associating the information with the identification code of the emergency message transceiver". Base station 122 generates a base station packet and transmits it via communication link 132 to command center 150, which uses it to alert personnel at the command center or in the field that a call for assistance has been received (see paragraph 29), which reads on the claimed "generating a second emergency message having the relevant information such that assistance is summoned in response to the received emergency message".

Regarding claims 3, 22, 44 and 73, Rieser et al discloses that the message sent from the base station to the command center is in packet form (see paragraph 69) and may be transmitted using a modem (see paragraph 44), which reads on the claimed invention that converts the message into a digital signal and the intermediary communication system is a portion of a digital communication system.

Regarding claims 4, 23, 45 and 74, Rieser et al discloses that the base station packets may be sent by several means of communication, however, one method disclosed is a modem and a commercial telephone line (see paragraph 44), which reads on the claimed invention that converts a signal suitable for transmission over the PSTN and the intermediary communication system further comprises a portion of a public switched telephone network.

Regarding claims 8, 27 and 49, Rieser et al discloses that the message sent from the base station to the command center is in packet form (see paragraph 69) and is transmitted with a modem and a commercial telephone line (see paragraph 44), which reads on the claimed invention where the intermediary communication system comprises a combination of portions of at least a digital communication system and a public switched telephone network.

Regarding claims 18, 58, 59, 82 and 83 Rieser et al discloses that the transmitter identification number is used to retrieve personal identification information, such as the person's name, address, and medical history (see paragraph 50).

Regarding claims 20, 60 and 84, Rieser et al discloses that the database may also contain the name and address of a person to contact in the case of an emergency (see paragraph 50).

Regarding claims 34, 68 and 92, Rieser et al discloses that the command center includes a display and may be implemented on a single personal computer (see paragraph 77). Page 25 of the specification defines an always-on device to be an appliance that is probably on for periods of time such that a person viewing the

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appliance for its normal intended use is likely to be notified of a received emergency message, and a personal computer is expressly included as an always-on appliance.

The command center reads on the claimed always on appliance.

Regarding claims 63, 87 and 90, Rieser et al discloses that more than one base station may receive the transmission signal packet from a personal security transmitter (see paragraph 29) but the closest base station is then determined for the subsequent steps (see paragraph 51), which reads on the claimed "receiving a second emergency message from a second emergency message transceiver" and "determining that the received emergency message is to be disregarded".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Antonucci et al (US 2001/0021646 A1).

Regarding claims 2, 5-7, 21, 24-26, 43, 46-48, 72 and 75, Rieser et al discloses that the base station may be connected to the command center using a modem and a telephone line (see paragraphs 44 and 69). Rieser et al fails to expressly disclose that the base station may be connected to the command center via the Internet.

In a similar field of endeavor, Antonucci et al discloses a system and method for routing special number calls with an emergency service complex ESC1 62 that serves a plurality of service providers 66, including a Internet service provider (ISP) 72 and a wireless service provider (WSP) 70.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Antonucci et al such that the command center is connected to the base station also using the Internet in order to take advantage of the benefits of the internet such as standardization and ease of setting up the system.

Claims 9-11, 19, 50-53, 61, 76-79 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Wheeler et al (US 20020072348A1).

Regarding claims 9, 50 and 76, Rieser fails to expressly disclose how the system is activated.

In a similar field of endeavor, Wheeler et al discloses an emergency system that may be activated by a strong impact sensor, a heat sensor, a medical sensor, or other sensors (see paragraph 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Wheeler et al such that the system is activated by one of the above sensors in order to automatically trigger a request for emergency services in a case where a person is unable to do so.

Regarding claims 10, 11, 51-53 and 77-79, Rieser et al fails to expressly disclose how the system is activated.

In a similar field of endeavor, Wheeler et al discloses an emergency system that may be activated by a panic button on the device or a particular keying sequence (see paragraph 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Wheeler et al such that the system is activated by the above panic button or keys in order to allow a user to activate the system whenever the user feels it is necessary.

Regarding claims 19, 61 and 85, Rieser et al discloses a database associating the transmitter identification number with a user and medical history (see paragraph 50). Rieser et al fails to expressly disclose that the information of interest is used to determine the nature of the emergency.

In a similar field of endeavor, Wheeler et al discloses that a personal profile is maintained that may include information such as medical history allergies and insurance

or medical plan information (see paragraph 8) and that the trigger may include medical sensors such as cessation of heart beat (see paragraph 10). Wheeler et al further discloses upon receiving a request for emergency services, security monitoring center 108 may immediately and automatically determine the physical location of the requestor as well as the requestors personal profile and dispatch appropriate personnel from emergency services pool 110 as necessary in view of the nature of the emergency, the location of the requestor and the personal profile of the requestor (see paragraph 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Wheeler et al to include the above use of the personal profile in order to allow the best response and care according to the specific conditions of the user.

Claims 12, 31, 54, 62, 80 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Tendler (US005555286A).

Regarding claims 12 and 31, Rieser et al fails to disclose how the system is activated.

In a similar field of endeavor, Tendler discloses an emergency system that is activated by dialing 911 (see column 2, lines 41-59).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Tendler to include the above activation by dialing 911 in order to provide a means for activation that is universally known and requires no special knowledge of activation on the part of the user.

Regarding claims 54, 62, 80 and 86, Rieser et al discloses that information associated with the transmitter number in a database may include the person's name and address (see paragraph 50). Rieser et al fails to disclose that the system is activated by dialing 911.

In a similar field of endeavor, Tendler discloses an emergency system that is activated by dialing 911 (see column 2, lines 41-59).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Tendler to include the above activation by dialing 911 in order to provide a means for activation that is universally known and requires no special knowledge of activation on the part of the user.

Claims 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Hunter et al (US 20030069002A1).

Regarding claim 36, Rieser et al fails to expressly disclose that the information communication device is a cable television box.

In a similar field of endeavor, Hunter et al discloses that an emergency notification broadcaster used to turn on a viewing or listening device may be a cable box (see paragraph 68).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Hunter et al to include the above use of a cable box in order to take advantage of common household items capable of displaying information.

Regarding claim 38, Rieser et al fails to expressly disclose that the information communication device is a pager.

In a similar field of endeavor, Hunter et al discloses that a device for displaying emergency notification content to a corresponding user may be a pager (see paragraph 29).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Hunter et al to include the above use of a pager in order to provide a small, lightweight and portable device.

Regarding claim 39, Rieser et al fails to expressly disclose that the system is configured to be able to request additional information.

In a similar field of endeavor, Hunter et al discloses in response to an alert received at a host facility, the host facility may notify the appropriate emergency management service or request more information from the device (see paragraph 114).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Hunter et al such that the system is able to request additional information from the device in order to allow better selection of the appropriate emergency management service.

Claims 40 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Manis et al (US 20030133473A1).

Regarding claims 40 and 69, Rieser et al fails to disclose the use of communicating using a power line carrier.

In a similar field of endeavor, Manis et al discloses a system where power lines are used as a transmission medium for information to be communicated (see paragraph 2 and 7).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Manis et al to include the above use of power lines to communicate data in order to take advantage of a network that is already in place and readily available as suggested by Manis et al (see paragraph 7).

Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Struhsaker (US 20020098858A1).

Regarding claim 55, Rieser et al fails to disclose prioritizing messages.

In a Similar field of endeavor, Struhsaker discloses a system where when a call to an emergency dispatch center is detected, priority is given to the call and a resource reallocator is operable to reallocate the allocation of communication resources in the communication system to permit the establishment of the call. The reallocation may include, for instance, termination of ongoing communication sessions to make available the communication resources to permit the call to the emergency dispatch center (see paragraph 62), which reads on the claimed "indicating that the emergency message is a high priority message, and wherein the step of communicating the emergency message from the emergency message transceiver to the network further comprises the step of halting other communications such that the emergency message is communicated on a high priority basis".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Struhsaker to include the above reallocation of resources for an emergency call in order to ensure that emergency messages are completed.0

Regarding claim 56, Rieser et al fails to disclose prioritizing messages.

In a similar field of endeavor, Struhsaker discloses a system where when a call to an emergency dispatch center is detected, priority is given to the call and a resource reallocator is operable to reallocate the allocation of communication resources in the communication system to permit the establishment of the call. The reallocation may include, for instance, termination of ongoing communication sessions to make available the communication resources to permit the call to the emergency dispatch center (see paragraph 62), which reads on the claimed "indicating that the emergency message is a high priority message from the emergency message transceiver to the network further comprises the step of creating bandwidth such that the emergency message is communicated on a high priority basis.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Struhsaker to include the above reallocation of resources for an emergency call in order to ensure that emergency messages are completed.

Response to Arguments

Applicant's arguments filed January 31, 2005 have been fully considered but they are not persuasive. The applicants affidavit fails to swear behind the earliest priority

data of the reference applied, Rieser et al. Rieser et al claims priority to a US PCT filed 10/22/99 and a provisional filed 10/22/98. Neither the provisional produced by the applicant filed on March 21, 2001, nor the letter dated June 2000 overcome the earliest priority date of the reference.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

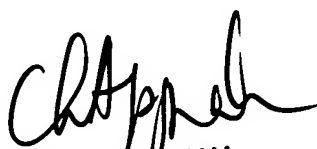
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryan Fox
August 5, 2005


CHARLES APPIAH
PRIMARY EXAMINER